



Practitioner's Docket No.

1436/139

PATENT

#16  
W. L. L. L.  
6/18/03**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Hoarty

Application No.: 09/475,719

Group Art Unit: 2611

Filed: December 30, 1999

Examiner: Huynh, S.P.

For: Home Interface Controller

**Commissioner for Patents  
Washington, D.C. 20231****TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
BEFORE MAILING DATE OF EITHER A FINAL ACTION  
OR NOTICE OF ALLOWANCE (37 C.F.R. § 1.97(c) )**

**NOTE:** An information disclosure statement shall be considered by the Office if filed before the mailing date of either (1) a final action under § 1.113 or (2) a notice of allowance under § 1.311, whichever occurs first, provided the statement is accompanied by either a statement as specified in paragraph (e) of section 1.97 or the fee set forth in § 1.17(p).

**NOTE:** "If a final action or notice of allowance is mailed in an application and later withdrawn, the application will be considered as not having had a final action or notice of allowance mailed for purposes of considering an information disclosure statement." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**NOTE:** "If information submitted during the period set forth in 37 C.F.R. 1.97(c) with a certification is used in a new ground of rejection on unamended claims, the next Office action will not be made final since in this situation it is clear that applicant has submitted the information to the office promptly after it has become known and the information is being submitted prior to a final determination on patentability by the Office. However, the information submitted with a certification can be used in a new ground of rejection and the next Office action made final, if the new ground of rejection was necessitated by amendment of the application by applicant. Where the information is submitted during this period with a fee, the examiner may use the information submitted, e.g., printed publication or evidence of public use, and make the next Office action final whether or not the claims have been amended, provided that no other new ground of rejection which was not necessitated by amendment to the claims is introduced by the examiner. See MPEP 706.07(a) . If a new ground of rejection is introduced that is neither necessitated by an amendment to the claims nor based on the information submitted with the fee set forth in 37 C.F.R. § 1.17(p) , the Office action shall not be made final." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**WARNING:** "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. § 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

**TIME OF TRANSMITTAL OF ACCOMPANYING  
INFORMATION DISCLOSURE STATEMENT**

1. The information disclosure statement transmitted herewith is being filed after three months of the filing date of this national application or the date of entry of the national stage as set forth in § 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but before the mailing date of either:

(1) a final action under § 1.113 or

(2) a notice of allowance under § 1.311,

whichever occurs first.

**STATEMENT OR FEE**

2. Accompanying this transmittal is

**(check either A or B below)**

A. ☐ a statement as specified in 37 C.F.R. § 1.97(e) .

**OR**

B. ☒ the fee set forth in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under § 1.97(c). (\$180.00).

**FEE PAYMENT**

**(complete this item, if applicable)**

3. Applicant elects the option to pay the fee set forth in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under § 1.97(c) (\$180.00).

Fee due \$ 180.00

**METHOD OF PAYMENT OF FEE**

4. ☐ Attached is a ☐ check ☐ money order in the amount of \$ 180.00
- ☐ Authorization is hereby made to charge the amount of \$ \_\_\_\_\_

☒ to Deposit Account No. 19-4972

☐ to Credit card as shown on the attached credit card information authorization form PTO 2038.

**WARNING:** Credit card information should not be included on this form as it may become public.

- ☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

Reg. No.: 30,445

  
SIGNATURE OF PRACTITIONER

Tel. No.: (617) 443-9292

Customer No.: 00-2101

Robert M. Asher  
( type or print name of practitioner )  
Bromberg & Sunstein, LLP  
125 Summer Street  
Boston, MA 02110-1618



**Practitioner's Docket No.** 1436/139

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Applicant:	Hoarty	Atty Dkt:	1436/139
Serial No:	09/475,719	Art Unit:	2611
Date Filed:	December 30, 1999	Examiner:	Huynh, S.P.
Invention:	Home Interface Controller		

**Commissioner for Patents  
Washington, D.C. 20231**

**INFORMATION DISCLOSURE STATEMENT**

**CERTIFICATE UNDER 37 C.F.R. § 1.8(a) and 1.10\***  
(When using *Express Mail*, the *Express Mail* label number is **mandatory**;  
*Express Mail* certification is optional.)

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

- ☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231

**37 C.F.R. § 1.8(a)**

**37 C.F.R. § 1.10\***

- ☒ with sufficient postage as first class mail.

- ☐ as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (**mandatory**)

**TRANSMISSION**

- ☐ transmitted by facsimile to the Patent and Trademark Office

Date: November 8, 2002

  
\_\_\_\_\_  
**Signature**

Robert M. Asher  
(type or print name of person certifying)

**NOTE:** "An information disclosure statement shall be considered by the Office if filed by the applicant within any one of the following time periods:

- (1) Within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d);
- (2) Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application;
- (3) Before the mailing date of a first Office action on the merits; or
- (4) Before the mailing date of a first Office action after the filing of a request for continued examination under § 1.114."

37 C.F.R. § 1.97(b).

**NOTE:** "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section." 37 C.F.R. § 1.56(a).

"Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) each inventor named in the application;
- (2) each attorney or agent who prepares or prosecutes the application; and
- (3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 C.F.R. § 1.56(c).

**NOTE:** The "duty as described in § 1.56 will be met so long as the information in question was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98 before issuance of the patent." Notice of January 9, 1992, 1135 O. G. 13 -25 at 17.

**WARNING:** "No information disclosure statement maybe filed in a provisional application." 37 C.F.R. § 1.51(d).

### List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:  
(check sections forming a part of this statement: discard unused sections and number pages consecutively)

1. ☒ Preliminary Statements
2. ☒ FORMS PTO/SB/08A and 08B (formerly FORM PTO-1449)
3. ☐ Statement as to Information Not Found in Patents or Publications
4. ☒ Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5. ☐ Cumulative Patents or Publications
6. ☐ Copies of Listed Information Items Accompanying This Statement
7. ☐ Concise Explanation of Non-English Language Listed Information Items
  - 7A. ☐ EPO Search Report
  - 7B. ☐ English Language Version of EPO Search Report
8. ☐ Translation(s) of Non-English Language Documents
9. ☐ Concise Explanation of English Language Listed Information Items (Optional)
10. ☒ Identification of Person(s) Making This Information Disclosure Statement

(complete the following, if appropriate)

Sections \_\_\_\_\_, respectively, have been continued on ADDED PAGE(S).

**NOTE:** "Once the minimum requirements are met the examiner has an obligation to consider the information." Notice of April 20, 1992 (1138 O.G. 37-41, 37).

**Section 1. Preliminary Statements**

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. § 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

## Section 4. Identification of Prior Application in Which Listed Information Was Already Cited

**NOTE:** "A copy of any patent, publication or other information listed in an information disclosure statement is not required to be provided if it was previously cited by or submitted to the Office in a prior application, provided that the prior application is properly identified in the statement and relied upon for an earlier filing date under 35 U.S.C. 120." 37 C.F.R. § 1.98(d).

**WARNING:** "This exception to the requirement for copies of information does not apply to information which was cited in an international application under the Patent Cooperation Treaty." Notice of April 20, 1992 (1138 O.G. 37-41, 38)

**WARNING:** "Information which is cited or submitted to the Office in the parent application of a file wrapper continuing application under 37 C.F.R. 1.62 will be part of the file before the examiner and need not be resubmitted in the continuing application. Likewise, the examiner will consider information cited or submitted to the Office in a parent application when examining a continuing application and thus this information need not be resubmitted unless applicant desires the information to be printed on the patent." Notice of April 20, 1992 (1138 O.G. 37-41, 37)

**WARNING:** While a copy of a non-English language item of information need not be submitted, if it was previously submitted to, or cited by, the Office in a prior application, provided it is properly identified in this statement and this application relies on that earlier filing date under 35 U.S.C. 120, nevertheless, the requirement in § 1.98(a)(3) for a concise explanation of non-English language information would not be satisfied by a statement that a reference was cited in the prosecution of a parent application. The concise explanation must explain the relevance, as presently understood by the person designated in § 1.56(c) most knowledgeable about the content of the information. Notice of January 9, 1992, 1135 O.G. 13-25, at 20.

This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application issued as U. S. Patent No. 6,100,883 on August 8, 2000.

(complete the following, if applicable)

The following references were submitted to, and /or cited by, the Office in the prior application(s) and, therefore, are not required to be provided in this application:

AA-ES

**Section 10. Identification of Person(s) Making This Information Disclosure Statement**

The person making this statement is

*(check each applicable item)*

- (a) ☐ the inventor(s) who signs below

\_\_\_\_\_  
SIGNATURE OF INVENTOR

\_\_\_\_\_  
(type or print name of inventor who is signing)

- (b) ☐ an individual associated with the filing and prosecution of this application (37 C.F.R. § 1.56(c))

\_\_\_\_\_  
SIGNATURE OF INVENTOR

\_\_\_\_\_  
(type or print name of inventor who is signing)

- (c) ☒ the practitioner who signs below on the basis of the information:

*(check each applicable item)*

- ☐ supplied by the inventor(s).
- ☐ supplied by an individual associated with the filing and prosecution of this application. (37 C.F.R. § 1.56(c))
- ☒ in the practitioner's file.

Reg. No.: 30,445

Tel. No.: 617/443-9292

Customer No.: 002101

\_\_\_\_\_  
SIGNATURE OF PRACTITIONER

Robert M. Asher

\_\_\_\_\_  
(type or print name of person certifying)

Bromberg & Sunstein LLP  
125 Summer Street  
Boston, MA 02110-1618



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Technology Center 2600

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**BROMBERG & SUNSTEIN LLP**125 SUMMER STREET  
BOSTON, MA 02110CENTURY BANK & TRUST COMPANY  
BOSTON, MASSACHUSETTS

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RMA/vetPLEASE DATE STAMP AND RETURN

The Commissioner for Patents has received from Bromberg &amp; Sunstein LLP the following re:

Inventor: Hoarty

Docket No: 1436/139

Title: Home Interface Controller

Art Unit: 2611

Examiner: Huynh, S.P.

Serial/Patent No: 09/475,719

Date: November 8, 2002

Filing/Issue Date: December 30, 1999

Express Mail No:

Documents:

- ☐ New Application Transmittal  
☐ Provisional Application Cover Sheet  
☐ Description - \_\_\_\_\_ pages  
☐ Claims - \_\_\_\_\_ pages

☐ Amendment Transmittal

- ☐ Abstract  
☐ Application Data Sheet  
☐ Request and Certification  
under 35 USC 122(b)(2)(B)(i)  
☐ \_\_\_\_\_ sheets of drawings  
☐ formal ☐ informal  
☐ Transmittal of Formal Drawings

- ☒ Response  
☒ Terminal Disclaimer  
☒ IDS  
☐ Petition for one-month Extension  
☐ Issue Fee Transmittal & Form PTOL-85b  
☐ Payment of \_\_\_\_\_ Maintenance Fee  
☐ Request for Corrected Filing Receipt  
☐ Assignment/Recordation Form Cover Sheet  
☒ Check in the amount of \$290.00



RMA/vcl

PLEASE DATE STAMP AND RETURN

The Commissioner for Patents has received from Bromberg & Sunstein LLP the following re:

Inventor: Hoarty

Docket No: 1436/139

Title: Home Interface Controller

Art Unit: 2611

Examiner: Huynh, S.P.

Serial/Patent No: 09/475,719

Date: November 8, 2002

Filing/Issue Date: December 30, 1999

Express Mail No:

Documents:

- |  |  |
|--|--|
| <input type="checkbox"/> New Application Transmittal   | <input type="checkbox"/> Amendment Transmittal                     |
| <input type="checkbox"/> Provisional Application Cover Sheet   |  |
| <input type="checkbox"/> Description - _____ pages   | <input checked="" type="checkbox"/> Response                       |
| <input type="checkbox"/> Claims - _____ pages  | <input checked="" type="checkbox"/> Terminal Disclaimer            |
|  | <input checked="" type="checkbox"/> IDS                            |
| <input type="checkbox"/> Abstract  | <input type="checkbox"/> Petition for one-month Extension          |
| <input type="checkbox"/> Application Data Sheet  | <input type="checkbox"/> Issue Fee Transmittal & Form PTOL-85b     |
| <input type="checkbox"/> Request and Certification under 35 USC 122(b)(2)(B)(i)  | <input type="checkbox"/> Payment of _____ Maintenance Fee          |
| <input type="checkbox"/> _____ sheets of drawings<br><input type="checkbox"/> formal <input type="checkbox"/> informal | <input type="checkbox"/> Request for Continued Examination Receipt |
| <input type="checkbox"/> Transmittal of Formal Drawings  | <input type="checkbox"/> Assigning/Reassigning Form Cover Sheet    |
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